

DEC - 1 2005

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

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*Attorneys for Defendant Mary Ann S. Milne*

**IN THE UNITED DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS**

<b>TRANS PACIFIC EXPORT COMPANY, LLC,</b>	)	<b>CIVIL CASE NO. 05-0032</b>
	)	
<b>Plaintiff,</b>	)	<b>NOTICE OF MOTION AND</b>
	)	<b>MOTION TO DISMISS</b>
<b>vs.</b>	)	
	)	
<b>MARY ANN S. MILNE,</b>	)	<b>Date: December 29, 2005</b>
	)	<b>Time: 9:00 a.m.</b>
<b>Defendant.</b>	)	<b>Judge: Alex R. Munson</b>
	)	

Comes now the Defendant, by and through counsel, and GIVES NOTICE that on the time and date stated above, pursuant to Federal Rules of Civil Procedure 12(b)(1 and 7), the Defendant will move to and hereby does move this Court to dismiss the Plaintiff's Complaint. This Motion is supported by the documents already on file with this Court, the Memorandum in Support filed herewith, and any argument to be offered at the hearing of this Motion. The basis of the Motion is that the Plaintiff has failed to join a necessary and indispensable party (Triple J Enterprises, Inc.) and that once joined, this Court will no longer have diversity jurisdiction.

1 Dated: December 1, 2005

Respectfully submitted,

2 O'CONNOR BERMAN DOTTS & BANES  
3 Counsel for Defendant Mary Ann S. Milne

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5 By: 

6 Michael W. Dotts  
7 (F0150)  
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**CERTIFICATE OF SERVICE**

Pursuant to Com. R. App. P. 25(d), I hereby certify that a copy of the foregoing **NOTICE OF MOTION AND MOTION TO DISMISS** and the **MEMORANDUM IN SUPPORT OF MOTION TO DISMISS** was by me or at my direction cause to be served on December 1, 2005 by hand delivery on the individual listed below:

Eric Smith, Esq.  
Attorney for Plaintiff Trans Pacific Export Co., LLC.  
Former Mai Thai Building  
Garapan, Saipan, CNMI

Dated this 1st day of December, 2005.

O'CONNOR BERMAN DOTTS & BANES  
Attorneys for Mary Ann S. Milne

By:   
Michael W. Dotts  
(F0150)